



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,305	09/16/2003	Jouann K. Girard	CEI1083J1210	1358
22917	7590	09/22/2008		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER KOVACEK, DAVID M	
			ART UNIT 2626	PAPER NUMBER
			NOTIFICATION DATE 09/22/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

Office Action Summary

Application No.

10/663,305

Applicant(s)

GIRARD ET AL.

Examiner

David Kovacek

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is response to applicant's Amendment, filed 12/26/2007, in which the applicant amends **claims 1, 3, 5, 12-14 and 17-18** and presents arguments for patentability over the previously cited prior art.

Response to Amendment

2. The applicant's amendments to the claims with respect to the previous objections under 37 USC 1.75(c) and rejections under 35 USC §112, second paragraph have been considered but found to still comprise subject matter that is objectionable or not patentable for formal reasons. It is noted by the examiner that formal acceptance of the conditions of the claims is not an indication of allowability of the claims over the prior art. Appropriate rejections are included in this Office Action in the relevant sections below.

Response to Arguments

3. Applicant's arguments filed 12/26/2008 have been fully considered but they are not persuasive.

The applicant asserts that "Bennett fails to discuss or contemplate a radio communication device and its system operating software or its applications (Remarks of 12/26/2008: Page 7, paragraph 03). However, as noted by the applicant, Bennett explicitly makes mention of radio frequency [RF] operation (Page 3, paragraph 0024).

Furthermore, the disclosure of Bennett is expressed directed to a computer operating system (Page 2, paragraph 0011; Page 3, paragraph 0023). The examiner contends that the inclusion of these elements is sufficient to provide one of ordinary skill in the art the teachings to implement the disputed limitations of instant **claim 1** using only the disclosure of Bennett.

The applicant additionally argues that “Bennett is more pre-occupied with version compatibility than with the ability to perform an addition or deletion of different languages without having to rebuild a radio’s subscriber software code (Remarks of 12/26/2007: Page 7, paragraph 03).” It is noted by the examiner that the standard of anticipation under 35 USC §102(b) does not require the teachings of the prior art to be directed to the same primary *purpose* of invention, but merely the inclusion of all the required elements to provide the same *functionality*.

The examiner further notes that the applicant’s argument is directed to the purpose of Bennett for maintaining version compatibility upon change of a resource (Bennett: Page 2, paragraph 0013). This not only inherently requires the functionality of changing components, but Bennett explicitly references such a behavior as noted in the previous Office Action with respect to **claim 1** (Page 1, paragraph 0007; Page 4, paragraph 0033).

The applicant provides no further assessment, arguments, or reasoning to discriminate between the disputed limitation and the teachings of Bennett.

The applicant additionally directs arguments to the newly amended limitations regarding "radio communication device subscriber software code." Specifically, the applicant argues that "[j]ust because Bennett refers to wireless media in paragraph 0024 or a WAN network environment does not suggest that the Bennett teaches or suggests a radio communication device that has a radio communication subscriber software code as recited in the amended claims (Remarks of 12/26/2008: Page 7, paragraph 03)." It is first noted by the examiner that though the applicant is entitled to act as a lexicographer with respect to the contents of the application, there is no explicit definition provided for "radio communication subscriber" found in the original disclosure of the instant application. The examiner further contends that the broadest reasonable interpretation of "radio communication subscriber" to one of ordinary skill in the art would include any device or component in a radio communication system that would make repeated contact with said radio communication system. Such an interpretation would include a computer networked in a wireless network as disclosed by Bennett (Page 2, paragraph 0020; Page 3, paragraphs 0023-0024). Furthermore, because computers are operated based on the execution of software code, the teachings of Bennett inherently include "radio communication subscriber software code" in order for implementation on computers as disclosed by Bennett (Page 2, paragraph 0020).

The applicant further argues with respect to **claim 10**, that "Bennett also fails to teach over the air programming or updating of a radio communication device as contemplated by claim 10 (Page 7, paragraph 04)." It is noted by the examiner that **claim 10** was

rejected under 35 USC §103(a), which requires not a standard of anticipation, but a standard of *obviousness* to one of ordinary skill in the art at the time the invention was made. The examiner further notes that the applicant does not provide any reasoning or evidence to refute the analysis of the previous Office Action showing the limitations of **claim 10** to be rendered obvious by the teachings of Bennett.

These arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

The applicant additionally argues that “[w]ith respect to claim 7, culture specific information that includes not only font sets, but can also include navigational rules...and information such as icons, color palettes...[t]his is discussed on page 3, lines 9-14 and this culture specific information [is] not contemplated or suggested by Bennett although different character font sets are taught (Page 8, paragraph 02).”

The examiner contends that this argument is immaterial, in that though the specification of the instant application supports this interpretation, this interpretation of the limitation is not *required* by the language of **claim 7**. This is further supported in the applicant's own argument, in that the applicant asserts that the culture specific information *can* include additional rules to those disclosed by Bennett, but not that the culture specific information *must* include such additional rules.

The examiner further argues that this particular argument is incorrect, in that Bennett additionally discloses the inclusion of similar information, such as "data structures, templates, definition procedures, management routines, icon maps, and so forth" (Page 1, paragraphs 0006-0007).

Lastly, the applicant argues with respect to **claims 6, 15, and 20**, specifically that the limitations of these claims are now directed to the limitation of "a system reboot [and] having to rebuild the radio device subscriber software code." This argument is directly related to the disputed claim as applied above with respect to **claim 1**. No other arguments are presented regarding **claims 6, 15, or 20**. Therefore, the above arguments directed to the disputed limitation as applied above are similarly applicable for these claims.

For at least the above reasons, the applicant's argument regarding patentability of the claims over the prior art are not persuasive

Claim Objections

4. **Claims 1 and 12** are objected to for improperly defining the metes and bounds of the subject matter therein.

Regarding **claim 1**, this claim includes a limitation including operation without having to perform a radio communication device system re-boot. There is no mention of "a radio communication device" previous to the mention of the

re-boot of the system of said device, therefore this claim lacks antecedent basis for this limitation. For the purposes of examination, it is assumed that the electronic device of the preamble of **claim 1** is the radio communication device required in the limitation.

Regarding **claim 12**, this claim includes a limitation of including components used for the...device to use the language. Such a limitation does not properly further limit the scope of a claim in such a way as to define the metes and bounds of the subject matter of said claim.

5. **Claims 2-3, 5-6, 13-14, 16 and 18-19** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Regarding **claim 1**, this claim includes a limitation including operation without having to perform a radio communication device system re-boot. There is no mention of "a radio communication device" previous to the mention of the re-boot of the system of said device, therefore this claim lacks antecedent basis for this limitation. For the purposes of examination, it is assumed that the electronic device of the preamble of **claim 1** is the radio communication device required in the limitation.

Regarding **claims 2 and 16**, each of these claims is directed to providing a limitation to an electronic device where operation does not require either "recompilation of...software" (**claim 2**) or "reloading of applications" (**claim 16**). Each of these claims is dependent upon a parent claim which includes the limitation of proper operation of an electronic device without having to perform a radio communication device system re-boot and rebuild the radio communication device subscriber software code

Regarding **claims 3 and 18** each of these claims includes a limitation to the effect of including components used for the...device to use the language. Such a limitation does not properly further limit the scope of a claim in such a way as to define the metes and bounds of the subject matter of said claim.

Regarding **claims 5, 13-14 and 19**, each is dependent upon a parent claim that includes a provision to include "components used" for proper operation of an electronic device using a given language pack, yet also includes a limitation that is inherently necessary for proper successful operation of the electronic device.

Claims 5 and 14 includes a rules database that includes navigational rules for the at least one language; **claims 13 and 19** each recite a similar limitation directed to the general rules in using a language. The examiner contends that navigational rules are an essential feature for proper successful

operation of a user interface in any language, and as such are necessarily stored in a manner accessible to the device.

With regard to **claims 5 and 14** specifically, any such data structure containing the navigational rules would be appropriately labeled a "rules database." Therefore, such a feature would necessarily be included in the limitation of **claims 3 and 12**, as it is considered a component necessary for proper successful operation.

Claims 13 and 19 are similarly objected to, since any data structure containing the rules of operation for a language would similarly be labeled a "rules database," and similarly would be necessarily included in the limitations of **claims 13 or 19**.

Regarding **claim 6**, this claim is directed to two separate limitations, the first being wherein the at least one language data package comprises key entry rules for text entry and the second being any databases required for smart text entry. It is noted that the first limitation is now included in parent **claim 5**, thus providing no further limitation to **claim 5**. It is additionally noted that the second limitation is similar to the "components used" limitations of **claims 3 and 12**, which does not properly further limit the scope of the claim in such a way as to define the metes and bounds of the subject matter of **claim 6**.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **Claims 1-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding **claim 1**, the amended form of this claim includes a reference to radio communication device subscriber software code. This limitation is not present in the original disclosure of the application in any form, thus it comprises new matter.

Similarly, references to radio communication device subscriber software code are presented in independent **claims 12** and **17** and these claims are therefore rejected for the same reason.

Because all remaining claims are dependent upon one or more of **claims 1, 12** or **17**, the remaining claims include this limitation by virtue of dependency, and therefore the remaining claims are therefore rejected for the same reason.

8. **Claims 3, 12 and 18** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 3**, the phrase, "components used for the electronic device to use the language supported by the language data package" does not distinctly claim the subject matter of the invention because it is unclear what the inventive entity deems necessary for use of the language. Furthermore, the examiner contends that it is an inherent property of any device using a language that the device comprises all components necessary for proper use. Therefore, the examiner contends that **claim 3** is necessarily vague and indefinite because it is unclear what components of such a device would be considered necessary for proper operation, but would not be included as an essential feature of the device.

Regarding **claim 12** and **18**, these claims contain similarly phrased omnibus statements and are considered vague and indefinite for the same reasons as applied above to **claim 3**.

Claim Rejections - 35 USC § 102

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. **Claims 1-5, 9, 12, and 16-19** are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett.

Regarding **claim 1**, Bennett discloses an electronic device supporting one language, comprising:

- a memory (Fig. 3, elements 24, 54; Page 3, paragraphs 0025-0026) ;
- at least one language data package [resource module]
located within the memory having an image file [resource]
that contains data on the at least one language (Fig. 1,
elements 76, 82; Page 1, paragraph 0007; Page 4, paragraph 0033);
- a pack manager [resource loader], wherein the pack manager
is used for loading and unloading the at least one

language pack into and out of memory (Page 1, paragraph 0007; Page 2, paragraph 0013; Page 5, paragraph 0041); and

- wherein the at least one language data package can be loaded and accessed by the electronic device without having to perform a radio communication device system re-boot and rebuild the radio communication device subscriber software code (Page 4, paragraph 0031-0032) and

It is noted by the examiner that the terms "re-boot" and "rebuild" are directed to a complete re-initialization of system resources, often within the context of a system re-start. The disclosure of Bennett includes the condition of loading data without having to re-initialize all system resources (Page 4, paragraph 0031).

- wherein the at least one language data package further includes navigation rules [templates, definition procedures, management routines] for the at least one language (Page 1, paragraph 0006; Page 2, paragraph 0012).

Though this is not explicitly disclosed by Bennett, it is implied in the disclosure of each alternate resource corresponding to a specific interface (Page 2, paragraph 0012), as each interface will inherently have navigational rules that will conduct operation in response to user input.

Regarding **claim 2**, Bennett discloses all limitations in **claim 1** as applied above, and further discloses additional language data packages may be loaded into the electronic device without recompilation of the electronic device's software (Page 2, paragraphs 0012-0013; Page 4, paragraph 0032).

It is noted by the examiner that though Bennett does not explicitly disclose loading of language data packages without the need for recompilation, this is implied by disclosing the operation of the resource loader after dynamic version checking operations to ensure compatibility in real-time.

Regarding **claim 3**, Bennett discloses all limitations of **claim 1** as applied above, and further discloses the at least one language data package comprises components used for the electronic device to use the language supported by the language data package (Page 1, paragraphs 0006-0007).

Though Bennett does not explicitly teach that all required components for use of a language data package are included, this is implied by the existence of a working system using said language.

Regarding **claim 4**, Bennett discloses all limitations of **claim 3** as applied above, and further discloses the at least one language data package further comprises character font sets to support the at least one language (Page 1, paragraph 0006).

Regarding **claim 5**, Bennett discloses all limitations of **claim 3** as applied above, and further discloses the at least one language data package further comprises a rules database that includes navigational rules for the at least one language (Page 1, paragraph 0006; Page 2, paragraph 0012).

Though this is not explicitly disclosed by Bennett, it is implied in the disclosure of each alternate resource corresponding to a specific interface (Page 2, paragraph 0012), as each interface will inherently have navigational rules that will conduct operation in response to user input.

Bennett further suggests that the at least one language data package comprises key entry rules for text entry (Fig. 3, element 60; Page 1, paragraph 0006; Page 2, paragraph 0012; Page 3, paragraph 0027). Though this is not explicitly disclosed by Bennett, it is implied in the disclosure of each alternate resource corresponding to a specific interface (Page 2, paragraph 0012), as each interface will have navigational rules that will conduct operation in response to user input. It is further implied by Bennett that the system makes use of text entry in disclosing that the system is operating on a computer via a keyboard as a primary form of data entry (Fig. 3, element 60; Page 3, paragraph 0027).

Regarding **claim 9**, Bennett discloses all limitations of **claim 1** as applied above and further discloses the electronic device comprises a radio communication device (Page 3, paragraph 0024).

It is noted by the examiner that though Bennett does not explicitly disclose the necessary inclusion of a component device for radio communication, it is inherent (RF transmission) in wireless communication (Page 3, paragraph 0024).

Regarding **claim 12**, Bennett discloses a radio communication device (Page 3, paragraph 0024) supporting at least one language that comprises:

- a memory (Fig. 3, elements 24, 54; Page 3, paragraphs 0025-0026);
- a language data pack [resource module] located within the memory, wherein the language data pack comprises an image file [resource] that contains data on the at least one language (Fig. 1, elements 76, 82; Page 4, paragraph 0033),
- the language data pack further comprising all components necessary for the radio communication device to use the language supported by the language data pack (Page 1, paragraph 0007); and

Though Bennett does not explicitly teach that all required components for use of a language data package are included, this is implied by the existence of a working system.

- wherein the language data package is loaded and accessed by the radio communication device system without having to perform a radio communication device system re-boot and

rebuild the radio communication device subscriber software code. (Page 4, paragraph 0031-0032).

It is noted by the examiner that the terms "re-boot" and "rebuild" are directed to a complete re-initialization of system resources, often within the context of a system re-start. The disclosure of Bennett includes the condition of loading data without having to re-initialize all system resources (Page 4, paragraph 0031).

Regarding **claim 16**, Bennett discloses all limitations of **claim 12** as applied above, and further discloses the updating of the language data pack does not require reloading of applications found in the radio communication device (Page 2, paragraphs 0012-0013; Page 4, paragraph 0032).

It is noted by the examiner that though Bennett does not explicitly disclose updating of language data without the need for reloading an application, this is inherent in disclosing the operation of the resource loader after dynamic version checking operations to ensure compatibility in real-time.

Regarding **claim 17**, this claim is very similar to **claim 1** and is rejected for the same reasons.

Regarding **claim 18**, this claim is very similar to **claim 3** and is rejected for the same reasons.

Regarding **claim 19**, this claim is very similar to **claim 5** and is rejected for the same reasons.

Claim Rejections - 35 USC § 103

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. **Claims 7-8, and 10-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett.

Regarding **claim 7**, Bennett discloses all limitations of **claim 3** as applied above, and further discloses wherein one of the components in the at least one language data package comprises culture specific information that further comprises character font sets (Page 1, paragraph 0006).

Bennett only discloses the use of different character font sets, but does not explicitly recite the limitation that these character font sets are related to culture specific information. However, it is well known in the art that different languages have different alphabets, and therefore would require different character font sets to accommodate alternative languages, which is shown to be desirable by Bennett (Page 1, paragraph 0006). Therefore, the examiner contends that it would have been obvious to one of

ordinary skill in the art to implement an electronic device implemented with different character font sets to accommodate different languages.

Regarding **claim 8**, Bennett discloses all limitations of **claim 7** as applied above, and further suggests the inclusion of color schemes [templates in a windowed environment] as part of the cultural information associated with a data package [resource].

Regarding **claim 10**, Bennett discloses all limitations of **claim 9** as applied above, and further suggests that language data packages can be updated over-the-air in disclosing the operation of the electronic device in a network environment (Fig. 3; Page 3, paragraphs 0028) where resources can be stored upon remote storage locations (Page 3, paragraph 0029). Such a disclosure implies the ability of the device to operate using remote resources available via a network.

Regarding **claim 11**, this claim is very similar to **claim 10**, and is rejected for the same reasons.

It is noted that to one of ordinary skill in the art that the term "tethered" would be synonymous with a computer that allows its resources to be controlled remotely via a network environment such as disclosed by Bennett as applied above to **claim 10**.

2. **Claims 6, 15, and 20** rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of US Patent Application 2004/0049490 hereinafter referred to as Milov.

Regarding **claim 6**, Bennett discloses all limitations of **claim 5** as applied above, and further suggests that the at least one language data package comprises key entry rules for text entry (Page 1, paragraph 0006; Page 2, paragraph 0012). Though this is not explicitly disclosed by Bennett, it is implied in the disclosure of each alternate resource corresponding to a specific interface (Page 2, paragraph 0012), as each interface will have navigational rules that will conduct operation in response to user input.

However, Bennett does not sufficiently disclose support for smart text entry.

Milov discloses the use of smart text entry in an electronic medical database system (Page 5, paragraphs 0074-0077).

The two references are combinable because each teaches a database for storing and making available text-based resources. Milov further provides motivation to combine in disclosing the utility of smart text in increasing the efficiency and accuracy of searching functions in text-oriented databases (Page 2, paragraph 0038; Page 5, paragraph 0075).

Therefore, the examiner contends that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teachings of Bennett using the teachings of Milov in order to implement a multi-lingual medical

database that uses smart text entry in order to increase the efficiency and accuracy of the database search functions.

Regarding **claim 15**, Bennett discloses all limitations of **claim 12** as applied above, but does not disclose the use of a smart text entry database.

Milov discloses the use of smart text entry in an electronic medical database system (Page 5, paragraphs 0074-0077).

The two references are combinable as applied to **claim 5** above, which remains applicable to **claim 15** as each is directed to the use of smart text entry in an electronic database.

Regarding **claim 20**, Bennett discloses all limitations of **claim 17** as applied above, but does not disclose the use of a smart text entry database.

Milov discloses the use of smart text entry in an electronic medical database system (Page 5, paragraphs 0074-0077).

The two references are combinable as applied to **claim 5** above, which remains applicable to **claim 20** as each is directed to the use of smart text entry in an electronic database.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Kovacek whose telephone number is (571)270-3135. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 2626

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Talivaldis Ivars Smits/
Primary Examiner, Art Unit 2626

DMK 09/16/2008